

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

NEXTGEAR CAPITAL, INC.,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:18-1617
	:	
v	:	
	:	(JUDGE MANNION)
ANTONIO L. GUTIERREZ and PAUL GUTIERREZ,	:	
	:	
Defendants	:	

ORDER

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) Paul Gutierrez’s motion to dismiss, **(Doc. 9)**, NextGear’s complaint, **(Doc. 1)**, is **GRANTED IN PART** and **DENIED IN PART**;
- (2) Paul Gutierrez’s motion to dismiss is **GRANTED** for lack of personal jurisdiction with respect to Count III of NextGear’s complaint, **(Doc. 1)**, conversion claim and this claim is **DISMISSED**;
- (3) Paul Gutierrez’s motion to dismiss is **DENIED** with respect to Count I of NextGear’s complaint, **(Doc. 1)**, fraudulent transfer claim regarding the Pocono’s Property; and
- (4) Paul Gutierrez’s is directed to file his answer to Count I of NextGear’s complaint, **(Doc. 1)**, fraudulent transfer claim,

within **14 days** of the date of this Order.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: April 29, 2019

18-1617-01-ORDER.wpd